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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/627,292      | 07/25/2003  | Jeremy Ho            | 10030627-1          | 2376             |

7590 01/25/2006

AGILENT TECHNOLOGIES, INC.  
Legal Department, DL429  
Intellectual Property Administration  
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Loveland, CO 80537-0599

EXAMINER

NGUYEN, DUC MINH

ART UNIT PAPER NUMBER

2643

DATE MAILED: 01/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                      |                                   |  |
|------------------------------|--------------------------------------|-----------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/627,292 | <b>Applicant(s)</b><br>HO, JEREMY |  |
|                              | <b>Examiner</b><br>Duc Nguyen        | <b>Art Unit</b><br>2643           |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nolting et al (6,351,453) in view of Balsamo et al (US 2002/0099806).

Consider claims 1-3, 10-13. Nolting teaches a method of identifying work at home users of a telecommunications network, comprising retrieving records describing phone calls (fig(s) 1b; column(s) 9, line(s) 45 through column(s) 11, line(s) 8); and identifying phone numbers from records that exhibit characteristics of work at home users (column(s) 11, line(s) 44-54).

Nolting does not clearly teach eliminating duplicate entries of exclusive phone calls from the identified phone numbers; and generating a list of the exclusive phone calls from the identified phone numbers after eliminating the duplicate entries.

Balsamo teaches eliminating duplicate entries of exclusive phone calls from the identified phone numbers (§ 0090-0094); and generating a list of the exclusive phone calls from the identified phone numbers after eliminating the duplicate entries (§ 0002, 0090-0094) for the purpose of preventing to produce inaccurate billing and so forth (§ 0004).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Balsamo into the teachings of Nolting for the purpose mentioned above.

Consider claims 4, 14. Column(s) 11, line(s) 16-54 reads on the limitation selecting records describing calls to phone numbers of known ISP.

Consider claims 5, 15. Column(s) 11, line(s) 46-48 reads on the limitation of excluding records describing calls less than a predetermined length of time (e.g., short time).

Consider claims 9, 18. Column(s) 11, line(s) 16-54; column(s) 23, line(s) 56-59; and column(s) 26, line(s) 12-43 read on the limitation of generating a list of ISP phone numbers for which associated call at homers are to be identified.

Consider claims 6-8, 16-17. Nolting further teaches CDR is an accounting record produced by Switches to track Call Type, Time, Duration, Facilities used, Originator, Destination, etc. CDRs are used for customer billing, rate determination, network monitoring, and facility capacity Planning (column(s) 11, line(s) 50 through column(s) 12, line(s) 26). Nolting also teaches identifying phone numbers from records that exhibit characteristics of work at home users (column(s) 11, line(s) 44-54; column(s) 23, line(s) 35-59; column(s) 28, line(s) 39 through column(s) 29, line(s) 17). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to study records that contain only originating numbers with records describing calls to an ISP that occur during normal business hours, for instance, from 8:00AM to 4:00PM, Monday to Friday.

Consider claim 19. Nolting teaches a method of identifying work at home users of a telecommunications network, comprising retrieving records describing phone calls (fig(s) 1b; column(s) 9, line(s) 45 through column(s) 11, line(s) 8); and identifying phone numbers from records that exhibit characteristics of work at home users (column(s) 11, line(s) 44-54). Nolting further teaches CDR is an accounting record produced by Switches to track Call Type, Time,

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Duration, Facilities used, Originator, Destination, etc. CDRs are used for customer billing, rate determination, network monitoring, and facility capacity Planning (column(s) 11, line(s) 50 through column(s) 12, line(s) 26). Nolting also teaches identifying phone numbers from records that exhibit characteristics of work at home users (column(s) 11, line(s) 44-54; column(s) 23, line(s) 35-59; column(s) 28, line(s) 39 through column(s) 29, line(s) 17). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to study records that contain only originating numbers with records describing calls to an ISP that occur during normal business hours, for instance, from 8:00AM to 4:00PM, Monday to Friday. Nolting does not clearly teach eliminating duplicate entries of exclusive phone calls from the identified phone numbers; and generating a list of the exclusive phone calls from the identified phone numbers after eliminating the duplicate entries.

Balsamo teaches eliminating duplicate entries of exclusive phone calls from the identified phone numbers (§ 0090-0094); and generating a list of the exclusive phone calls from the identified phone numbers after eliminating the duplicate entries (§ 0002, 0090-0094) for the purpose of preventing to produce inaccurate billing and so forth (§ 0004).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Balsamo into the teachings of Nolting for the purpose mentioned above.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc Nguyen whose telephone number is 571-272-7503. The examiner can normally be reached on 7:00AM to 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kuntz Curtis can be reached on 571-272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Duc Nguyen  
Primary Examiner  
Art Unit 2643

1/22/06